

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. CV 08-889 MV/WDS
vs.)	CR 03-2112 MV
)	
JORGE TORRES-LARANEGA,)	
)	
Defendant.)	

UNITED STATES' RESPONSE TO DEFENDANT'S
LETTER REQUESTING DISCOVERY FROM TRIAL COUNSEL

The United States of America files this response to Defendant's letter requesting discovery from trial counsel, filed November 20, 2009. Doc. 39.

1. Relevant Procedural History

On September 26, 2008, Torres filed his § 2255 motion in the captioned case. Doc. 1. The United States answered this motion as ordered to do so. On April 9, 2009, Torres filed a motion for discovery of grand jury minutes and Spanish transcripts of the wiretapped phone calls. Doc. 17. On May 21, 2009, the Court granted this motion, deeming it unopposed because the United States had not filed an answer. Doc. 19. On June 2, 2009, the United States filed a motion for reconsideration. Doc. 21. On July 27, 2009, the Court granted the United States' motion for reconsideration and ordered that the documents sought by Torres were not to be produced. Doc. 31.

On November 20, 2009, Torres filed the instant letter asking the Court for an order directing his trial attorney, Marcia Milner, to provide to him "copies of the Discovery under Rule 16 and the Grand Jury minutes[.]" Doc. 39.

2. Torres's Request Should Be Denied.

In denying Torres's previous discovery request in this case, the Court found that Torres had not shown good cause for Court ordered discovery. Doc. 31 at 3. Similarly, Torres has not established good cause for the Court to order the discovery in the instant letter request.¹ Accordingly, his request for an order directing his trial counsel to produce the requested materials to him should be denied.

3. Conclusion

Based on the foregoing argument and authority, the United States respectfully requests that this Court deny Torres's request for an order directing Attorney Marcia Milner to produce the requested materials to Torres.

Respectfully submitted,

GREGORY J. FOURATT
United States Attorney

Electronically Filed 12/2/09

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¹ As noted above, Torres's discovery requests overlap in part in that both sought the grand jury transcripts.

I HEREBY CERTIFY that on this 2nd day of December, 2009, a copy of the foregoing document was mailed return receipt requested to Jorge Torres-Laranega, Reg. No. 09645-265, FCI Fort Dix, West Unit 5812, P.O. Box 2000, Fort Dix, NJ 08640.

Electronically Filed

RICHARD C. WILLIAMS

Assistant U.S. Attorney

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